



BRIAN E. FROSH, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE:
September 3, 2021

Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Frosh Defends Longstanding Federal Gun Violence Prevention Measure

AG Frosh Joins Virginia's AG Herring in Amicus Brief Supporting the Federal Government's Petition for Rehearing of a Panel Decision Striking Longstanding Gun Violence Prevention Law

BALTIMORE, MD (September 3, 2021) – Maryland Attorney General Brian E. Frosh today joined Virginia Attorney General Mark Herring in authoring an [amicus brief](#) urging the Court of Appeals for the Fourth Circuit to rehear *en banc* an appeal in a case challenging the constitutionality of a more than fifty-year-old federal law prohibiting the sale of firearms to those under 21 years old.

The plaintiffs in the case brought a challenge to a law passed in the 1960s that restricted the purchase of handguns by minors under the age of 21 from federally-licensed firearm dealers. Although common sense age restrictions on firearms have existed for centuries – for example, Maryland has prohibited the sale of certain firearms to those under 21 since 1882 – a divided panel struck down the law, relying heavily on the minimum age of militia service in the 18th century.

“In striking down this long-standing gun violence prevention law, the Fourth Circuit panel relied on an erroneous interpretation of historical minimum ages for gun ownership,” said Attorney General Frosh. “We believe the panel got it wrong. The law as it stands is constitutional and, importantly, helps protect our residents from gun violence.”

In the brief, the attorneys general argue that the panel erred by using the various minimum ages for state militia service instead of the undisputed common law age of majority at the time, which was 21. The brief summarizes the overlooked history of militias in America, which have frequently been sources of dysfunction and exclusion.

Also in the brief, the attorneys general explain the importance of upholding this federal law by stating, “[m]ore than a thousand Virginians and more than 750 Marylanders are killed each year by gunfire... The challenged laws... have helped prevent gun violence for over half a century

and remain an important part of the federal and state gun laws on which Virginia and Maryland rely in keeping their citizens safe.”

<https://www.marylandattorneygeneral.gov/press/2021/090321.pdf>